

ORDINANCE NO. 2023- 17

AN ORDINANCE OF THE TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 114 OF THE TOWNSHIP CODE, ENTITLED "FLOOD HAZARD AREAS SO AS TO CREATE ARTICLE XVIII, ENTITLED, "DREDGING PERMITS"

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

SECTION .1 The Township Code of the Township of Stafford is hereby amended and supplemented so as to amend Chapter 114, entitled "Flood Hazard Areas," so as to create Article XVIII entitled, "Dredging Permits," which shall read as follows:

Article XVIII Dredging Permits

§ 114-193. Engineering permits required for dredging of private property.

No private property shall be dredged in the Township of Stafford without first obtaining an engineering permit from the Township. The Township's Engineer shall enforce the provisions of this chapter and all applicable reference chapters by issuing required permits and addressing those violations arising out of the failure of any person or entity to apply for and obtain required permits. The Township's Engineer shall, from time to time, upon his or her own initiative or whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit and of the chapter. The Township's Engineer shall report all violations and take any action deemed necessary for proper enforcement.

§ 114-194. Application and inspection fees; performance guaranties.

A. Application fees.

(1) All engineering permit applications shall be accompanied by a fee as indicated on the applicable application form or as described in the applicable sections of the chapter. The fees will be utilized for plan review, inspection and any other activity necessary to process the application.

(2) If a permit is denied or withdrawn, no refund of fees will be permitted.

B. Inspection fees. Inspection fees may be established to cover the costs of inspections for certain improvements as indicated on the applicable application forms or as described in the applicable sections of the chapter.

C. Performance guaranties. Performance guaranties may be required for certain improvements as indicated on the applicable application forms or as described in the applicable sections of the chapter. The Township's Engineer shall make a determination as to when performance guaranties are required in light of the scope and nature of the work to be completed and to

calculate the appropriate amount to cover any damages to the Township.

§ 114-195. Dredging and/or material disposal in accordance with the Township's New Jersey Department of Environmental Protection and Army Corp of Engineers Maintenance Dredging Authorizations

- A. This Section of the Township of Stafford Code is applicable to any person or entity wishing to engage in dredging and/or material disposal in accordance with the Township's New Jersey Department of Environmental Protection and Army Corp of Engineers Maintenance Dredging Authorizations. Any and all dredging that exceeds the Township authorizations shall require individual permits from the New Jersey Department of Environmental Protection and Army Corp of Engineers.
- B. Stafford Township's Dredging Permits cover dredging designated slips and navigational channels beyond 5' from existing bulkheads to a maximum depth of -5' Mean Low Water (+]' over dredge allowance).
- C. No person, firm or corporation shall begin to or continue to dig, pump out or dispose of soil material from a boat basin, boat docking facility, lagoon, stream, channel, bay, marina or other area where earth is moved and water substituted therefor, in whole or in part, unless and until an engineering permit is obtained for such digging, pumping, transporting and disposal of dredge material.
- D. Use of Township's Infrastructure to execute a dredging plan is contingent on:
 - (1) Submittal and approval of plan to the Township's Engineer:
 - (2) Contractor Performance Bond & Financial Assurance in an amount and form to be determined by the Township's Engineer.
- E. A Dredging engineering permit application shall be filed by a contractor meeting the qualifications outlined herein. No permit shall be issued to an individual, company or corporation not meeting said qualifications.
 - (1) Contractor: (legal name and address)
 - (2) Certificate of Insurance (\$1 million minimum with the property owner and Township of Stafford listed as additional insured)
 - (3) Contractors shall provide a summary of three (3) similar projects performed within the past three (3) years, including a description of the project, work performed, and details of the Owner. Statement of prior experience/qualifications shall include:
 - a. Include number of years dredging business as prime contractor
 - b. Complete equipment list (owned/leased/rented)
 - c. Project list (last 3 years)
 - d. Permit compliance statement (3 years)
 - e. List any violations on contracted projects
 - f. Safety record, OSHA 300 log, EMR for past 3years
- F. Applications to Dredge shall include the following minimum information:
 - a. Permit application signed by property owner
 - b. Permit fee (\$400) per residential property, \$11,000 per commercial property plus

- inspection fees in accordance with § 114-195(G)
- c. Proposed project schedule
- d. Proposed dredge material disposal/reuse location
 - i. Include location map and letter of acceptance
 - ii. Trucking route (if required)
- e. Certificate of insurance
 - i. \$1 million
 - ii. Name property owner and Township of Stafford as additionally insured
- f. Statement of prior experience/qualifications
 - i. Include number of years dredging business as prime contractor
 - ii. Complete equipment list (owned/leased/rented)
- g. Project list (last 3years)
- h. Permit compliance statement (3 years)
 - i. List any violations on contracted projects
 - ii. Safety record, OSHA 300log, EMR for past 3years
- i. Proposed Township facility to be utilized.
 - i. Name (if applicable)
 - ii. Address
 - iii. Site layout/dimensions required
 - iv. Performance bond for Township infrastructure utilized
 - v. Engineer's estimate for bulkhead, drainage, pavement, and any other utilities in the area that could be damaged. (to be calculated by the Township)
 - vi. Dated video inspection before (provided prior to work activities) and after work activities

G. Inspection Fees

- a. Non-refundable inspection fees shall be posted in accordance with the following schedule:
 - i. 0 - 50 Cubic Yards \$5 per Cubic Yard
 - ii. 51 - 500 Cubic Yards \$4 per Cubic Yard
 - iii. 501 - 2,000 Cubic Yards \$3 per Cubic Yard
 - iv. 2,001 or more Cubic Yards \$2 per cubic Yard
- b. Dredge Volumes of 5,000 cubic yards or greater shall also require a post dredge hydrographic survey.

H. Additional information required for utilizing Township facilities (street end bulkheads, Township property, etc.)

- a. Proposed facility to be utilized
 - i. Name (if applicable)
 - ii. Address
 - iii. Site layout/dimensions required
 - Elevations and locations of bulkhead and storm structures (0.05'+/-)
 - Bathymetry at street end (available from Township)
 - Pavement elevations
 - Locations of above ground and underground utilities (based on utility

- mark-out)
 - Right of Way location
 - Equipment location
 - Method/detail of bulkhead protection
 - Method of road, curb sidewalk, storm inlet/outfall protection (as needed)
- iv. Performance bond (covers Township infrastructure utilized)
- v. Township's Engineer estimate for bulkhead, drainage, pavement, sidewalk, and any other utilities in the area that could be damaged.
- vi. Dated video inspection before and after work activities. This must be provided prior to the commencement of work.
- b. Work at street ends limited to the hours of 8 AM to 4 PM, Monday through Friday.
- c. Consideration for the use of Township property is independent of any decisions made at any and all other locations and any and all other times. Each circumstance is unique and the factors which the Township considered are as determined necessary by the Township.
- d. Post Construction As-built drawing requirement for Township owned facilities, including the following information:
 - i. Elevation and location of bulkhead and storm sewer structures
 - ii. Pavement elevations
 - iii. Bathymetry at street end
- e. Contractor assumes responsibility to assure requested facility meets contractor project requirements.

§ 114-196. Enforcement.

The Township's Engineer shall enforce the provisions of this Article. The Township's Engineer shall, from time to time, upon his/her own initiative, or whenever directed by the Township, inspect the premises for which permits have been granted to ensure compliance with the terms of the permit up to and including full time on-site inspection if warranted. The Township's Engineer shall report all violations and take any action deemed necessary for proper enforcement.

§ 114-197. Violations and penalties.

Any person, partnership, association, corporation or firm found to be in violation of this chapter shall be subject to a maximum fine of \$2,000, or imprisonment for a period not to exceed ninety (90) days, or both. Each day of such violation's continuance shall be considered as a separate violation and shall be separately punishable. The penalties aforesaid shall be in addition to such other remedies as may be available to the Township of Stafford in the event of a violation of this chapter.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township shall send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Mayor and the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the **25th day of April 2023**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **9th day of May 2023 at 7:00 P.M.**, at the Township Council room of Town Hal, located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

**LINDA MARTIN, RMC
TOWNSHIP CLERK**